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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 AMERICAN GENERAL LIFE INSURANCE) SA CV 08-890 AHS (MLGx)
12 COMPANY,)
13)
14 Plaintiff,) ORDER TO SHOW CAUSE RE
15 v.) DISMISSAL WITHOUT PREJUDICE
16 JAMES DAVIDSON, EOI SERVICE) FOR LACK OF SUBJECT MATTER
17 COMPANY, INC. and DOES 1 THROUGH) JURISDICTION RETURNABLE NO
10, inclusive) LATER THAN SEPTEMBER 19, 2008
Defendants.)
_____)

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19 I.

20 PROCEDURAL HISTORY

21 Plaintiff American General Life Insurance Company
22 ("plaintiff") filed the complaint on August 8, 2008, against
23 Defendants James Davidson, EOI Service Company, Inc., and Does 1
24 through 10, inclusive (collectively, the "defendants").

25 II.

26 DIVERSITY JURISDICTION

27 This District's Local Rule 8-1 provides that "[t]he
28 statutory or other basis for the exercise of jurisdiction by this

1 Court shall be plainly stated in the first paragraph of any
2 document invoking this Court's jurisdiction." The complaint
3 attempts to establish jurisdiction by asserting diversity of
4 citizenship. The complaint does not include facts sufficient to
5 show that jurisdiction is proper. See 28 U.S.C. § 1332(a)(1).

6 When citizens of different states are parties and there
7 is more than \$75,000 in controversy, diversity jurisdiction
8 exists. 28 U.S.C. § 1332(a)(1). For diversity to be proper, all
9 of the plaintiffs must have citizenship different than all of the
10 defendants. Pullman v. Jenkins, 305 U.S. 534, 541, 59 S. Ct.
11 347, 83 L. Ed. 334 (1939). For diversity purposes, corporations
12 have dual citizenship: the state of incorporation and the state
13 where it has its principal place of business. 28 U.S.C. §
14 1332(c)(1).

15 Here, the complaint does not identify where defendant
16 EOI Service Company, Inc., is incorporated and where it has
17 principal place of business. Having received no proof of EOI
18 Service Company's citizenship, at this time, the Court cannot
19 determine whether the parties are completely diverse.

20 III.

21 CONCLUSION

22 The Court therefore orders plaintiff to show cause in
23 writing no later than September 19, 2008 why the Court should not
24 dismiss this action for lack of subject matter jurisdiction.
25 Defendants may respond to plaintiff's submission by filing a
26 written response no later than September 25, 2008. No oral

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1 argument on this matter will be heard unless otherwise ordered by
2 the Court.

3 IT IS SO ORDERED.

4 IT IS FURTHER ORDERED that the clerk shall serve a copy
5 of this Order on counsel for all parties in this action.

6 DATED: September 9, 2008.

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8 ALICEMARIE H. STOTLER

9 ALICEMARIE H. STOTLER
10 CHIEF U.S. DISTRICT JUDGE
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